

II. REMARKS

A. Claim Amendment

As proposed and agreed to during the interview, Applicant has made minor amendments to independent Claims 1, 16, 30, 31, 32, 33, to reflect that the invention relates to a system and method for managing syndicate loans.

B. Rule 131 Declaration of Inventor Edmund Louie

During the interview, upon careful review of the facts in the Rule 131 declaration against the application and pending claims, the Examiners concurred that the declaration was effective in demonstrating a reduction to practice of the claimed invention so as to remove the primary reference of Adams, U.S. Pat. No. 6,898,636.

Referring to the June 26, 2006 Rule 131 declaration of Edmund Louie (submitted with Applicant's last response of June 27, 2006) (hereinafter, "Louie 131 Dec."), there is not any question of the timing of the reduction to practice. Specifically, the software powering the "Agent Plus +" system at issue was operational for its intended purpose by July 20, 1998. *See* Louie 131 Dec. at page 5, Exhibit 1 at page 18. This predates the earliest possible date of the Adams reference, February 4, 1999.

The facts averred to in the Louie 131 Dec., as well as shown in the supporting exhibits, demonstrate that the system and method reduced to practice correspond to the claimed invention. For example, Exhibit 2 of the Louie 131 Dec., provides the operations undertaken for the user acceptance testing during the November 1998 period. These operations correspond to the claimed invention. For example, Exhibit 2's operations correspond to the invention as set forth in, for example, independent Claims 1, 16, 30, 31, 32, and 33. Exhibit 2 describes how to "create a new deal" (syndicate loan), "enter dealer information," "setup a borrower," "create the investor group," "update an existing deal," "change . . . assignments," "update the borrower name," "add/change/approve F/T [funds transfer] instructions," and so forth. Coupled with Mr. Louie's sworn statements about the development and features of the Agent Plus + system, this clearly shows reduction to practice of the invention as set forth in independent Claim 1, for example.

The showing that the facts in the Louie 131 Dec. correspond to the claimed invention is even more clear when Exhibit 5 is considered. Exhibit 5 shows that the actual Agent Plus + system reduced to practice included functional modules that directly correspond to Figure 5 in the instant Application. For example, Exhibit 5 to the Louie 131 Dec. shows a "Deal Info." element (corresponding to block 72 of Figure 5), "Borrower Information" element (corresponding to block 80 of Figure 5), "Investor Group Info." element (corresponding to block 76 of Figure 5), "Facility [Loan Resource] Maintenance" (corresponding to block 78 of Figure 5), and the "Transaction Management" element (corresponding to block 68 of Figure 5). Additionally, Exhibit 5 shows "F/T instructions" relating to the "instructions," "funds transfer instruction," "transaction request," and "commands" described in the Application in connection with its Figure 5.

The independent claims in this Application read on Figure 5 of the Application. As explained above, Exhibit 5 in Louie's 131 Dec. demonstrates a reduction to practice of the Agent Plus + system corresponding to Figure 5 of the Application. Accordingly, it follows that the Agent Plus + system of Exhibit 5 demonstrates an actual reduction to practice of the invention as set forth by the independent claims.

In sum, the Louie 131 Dec. is an extremely detailed declaration that includes 7 pages of specific, sworn facts, further buttressed by and cross-referenced to 5 exhibits, including a 34 page project plan describing development of the invention (Exhibit 1), a 3 page User Acceptance Test guidelines for the invention (Exhibit 2), a 4 page User Acceptance Test schedule (Exhibit 3), a Release to Production memo (Exhibit 4), and a 6 page Functionality Description (Exhibit 5). This Rule 131 declaration clearly and unequivocally demonstrates an actual reduction to practice prior to the Adams reference. As such, the primary reference should be removed and this application be allowed.

III. CONCLUSION


Applicant respectfully submits that claims 1 through 33 are in condition for allowance and requests allowance of the same.

In the event the PTO determines that any fees are due in connection with this matter, Applicant requests that such fees be deducted from the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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